

GOVERNMENT OF TELANGANA  
ABSTRACT

Rehabilitation and Resettlement (R&R) Package to affected families (other than land owners) of lands procured under G.O.Ms.No.123, Rev (JA&LA) Dept., Dated:30.07.2015 - Orders – Issued.

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REVENUE (JA & LA) DEPARTMENT

G.O.Ms.No.38

Dated: 14-02-2017

ORDER:

Whereas, the Government has framed a scheme in G.O.Ms.No.123, Rev (JA&LA) Dept., dated 30-07-2015, in order to procure lands for public purpose from willing land owners;

2. And whereas, the Government has procured lands in terms of the above scheme by entering into agreements with the land owners who are willing sell their lands on payment of mutually agreed sale consideration as per the scheme;

3. And whereas, the Government further issued GO Ms No.190, Rev (JA&LA) Dept., dated 10.08.2016 and G.O.Ms.No.191, Rev (JA&LA) Dept., Dated 15.08.2016 respectively providing welfare measures to the affected families other than land owners whose livelihood is being affected due to procurement of land under G.O.Ms.No.123, and the said welfare measures in the nature of package of rehabilitation and resettlement benefits are set out in Annexure-I to this order;

4. And whereas, the G.O.Ms.No.123 was challenged before the Hon'ble High Court in WP No.25036 of 2016 and batch and the Hon'ble High Court considered the G.O.Ms.123, G.O.Ms.No.190 and 191 and the Hon'ble High Court in a detailed judgement, while passing an interim order dated 05.01.2017, held that the executive power of the State Government under Article 298 of the Constitution of India can be applied for the voluntary purchase of land by the State Government from willing land owners and further held that the State Government should not enter into a contract under G.O.Ms.No.123 to purchase lands for the purpose of construction of Irrigation projects without complying with the Rehabilitation and Resettlement measures, more particularly those stipulated under Second and Third Schedules to the Central Act 30 of 2013;

5. Now therefore, after careful examination of the matter and taking the above judgment of the Hon'ble High Court into consideration, the Government has decided to extend the benefits of Rehabilitation and Resettlement (R&R) measures to the affected families other than land owners as set out in Annexure-II and Annexure-III of this order.

(PTO)

6. The Joint Collector of the concerned District shall identify the affected families other than land owners whose livelihood is being affected due to land procurement under G.O.Ms.No.123, namely:

- i. A family which does not own any land, but a member or members of such family may be Agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share croppers or artisans or who may be working in the affected area for three years prior to the procurement of the land, whose primary source of livelihood stand affected by the procurement of land;
- ii. The Scheduled tribes and other traditional forest dwellers who have lost any of their forest rights recognised under Scheduled tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006 due to procurement of land;
- iii. A Family whose primary source of livelihood for (3) years prior to the procurement of land is dependent on forest or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to procurement of land; and
- iv. A Family residing on any land in the urban areas for preceding three years or more prior to the procurement of the land and whose primary source of livelihood for three years prior to the procurement of the land is affected by the procurement of such land.

7. For the purpose of Para 6, the family includes a person, his or her spouse, minor children, minor brothers and minor sisters dependent on him. Widows, divorcees and women deserted by families shall be considered as separate families. An adult of either gender, with or without spouse or children or dependants, shall be considered as a separate family.

8. After notifying the lands which are to be procured under G.O.Ms.No.123, the Collector / Joint Collector shall conduct a survey and undertake a census of families affected by land procurement under G.O.No.123 in terms of Para 6 of this G.O.

9. The Joint Collector of concerned district shall notify a list of all such identified affected families, as above, in the concerned Gram Panchayat or Nagar Panchayat or Municipal Corporation office, as the case may be. It shall also be notified in the area, in a conspicuous place and on the website of the Commissioner, Resettlement & Rehabilitation.

10. Any family having any objection to the above list can file a representation to the Joint Collector within 15 days of such notification. The Joint Collector of the concerned District shall enquire into such representations and make a suitable modification to the list of identified affected families, if any. Any such modification shall be notified by the Joint Collector.

11. The Joint Collector shall pass an order specifying the package of rehabilitation and resettlement to be given to each such affected family based on their choice of the package as per Annexure-I OR Annexures II and III together. The package of rehabilitation and resettlement shall be published in English and Telugu.

12. The affected family shall inform the Joint Collector or authorized person, the bank account number of the person to which the rehabilitation and resettlement amount has to be transferred.

13. The concerned District Collector shall ensure that there is proper identification of all affected families other than land owners. The District Collector shall be responsible for ensuring that the rehabilitation and resettlement process is complete in all aspects before displacing the affected families in terms of Para 6. The Commissioner, R&R, a state level authority shall supervise the above process.

14. Any affected family aggrieved by the above order of the Joint Collector can file an appeal within 30 days to the Commissioner, R&R, a State level authority, who shall dispose of the appeal within a period of 30 days. If the Commissioner finds that the Appellant is an affected family, in terms of Para 6 of the above G.O, the benefits of this G.O. shall accrue to the said affected family.

15. The Collector shall ensure that the rehabilitation and resettlement process is completed before displacing the affected families. If, as a result of construction of any project, there is likely to be submergence of any land, the rehabilitation and resettlement shall be completed six (6) weeks prior to submergence of the lands procured.

16. The benefits specified in this G.O. will be given effect to all lands procured under G.O.No.123.

17. The Chief Commissioner of Land Administration and Commissioner, Rehabilitation and Resettlement, Telangana State, shall take necessary action in the matter accordingly and issue necessary instructions to give effect to this G.O. from time to time.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**Dr.S.K. JOSHI,  
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)**

**To**

**The Chief Commissioner of Land Administration, Telangana, Hyderabad.  
The Commissioner, Rehabilitation and Resettlement, Telangana, Hyderabad.  
All the District Collectors in the State.**

**All the Departments in the Secretariat.**

**Copy to:**

**The Spl.Secretary to CM.**

**The P.S. to Dy.CM (Rev).**

**The P.S. to C.S.**

**The Id. Advocate General, Telangana, Hyderabad.**

**The G.P. for Land Acquisition, High Court, Hyderabad.**

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**

**ANNEXURE - I**

The following welfare measures shall be provided to the families, whose livelihood is being affected due to land procurement under G.O.Ms. NO. 123 dated 30-07-2015 viz., the agriculture labourers, artisans and more particularly the people from Scheduled Castes, Scheduled Tribes, Backward Classes (SCs, STs, BCs) working as labourers who do not own any lands in the said village and have been residing in the area for the last 3 years.

<b>Serial No.</b>	<b>Component of infrastructure amenities provided/proposed to be provided by the Procuring Agency.</b>	<b>Details of infrastructure amenities provided by the Procuring Agency</b>
01	Rs. 5.04 lakhs  OR Rs. 1.25 lakhs	Rs.5.04 lakhs (equivalent to a house as per the two-bed room housing policy of the State Government) will be paid in case of displacement of a family (family includes a person, widow / widower, his or her spouse, minor children, minor brothers and minor sisters dependent on him / her and living together).  OR Rs. 1.25 lakhs will be paid to single family members without spouse (equivalent to Indira Awas Yojana , IAY)
02	Rs. 5.00 lakhs  OR Rs. 3,000/-  OR Rs. 2,500/-	(a) Onetime payment of Rs. 5.00 lakhs for the affected family;  OR (b) Rs.3,000/- per month as annuity will be paid for an affected family in case of SC and ST for a period of 20 years.  OR (c) Rs.2,500/- per month as annuity, will be paid for a period of 20 years to the artisans and agricultural labourers other than SC and ST. (d) The annuities mentioned above will be with appropriate indexation to the consumer price index.
03	Rs. 40,000/-	A total of Rs.40,000/- will be paid per family as a subsistence grant for one year.
04	Rs. 60,000/-	Rs.60,000/- as a one-time grant will be paid for the affected family belonging to SC and ST in the scheduled Areas.
05	Rs. 60,000/-	Rs.60,000/- as a one-time transport grant will be paid to each affected family in case of displacement and if re-location is required.

06	Rs. 30,000/-	Rs. 30,000/- as a onetime grant will be paid to artisans and those involved in traditional occupations and other self-employed persons.
07	Rs. 60,000/-	Rs.60,000/- will be paid to each affected family as one time resettlement assistance
08		Rs.7,50,000/-. An option will be given in case a family with all members living together as referred in para 1 decides to set up a self-financed scheme or an enterprise based on their own choice or for any other income generating activity. Such a family will be paid a lump sum amount of Rs.7.5 lakhs towards financial assistance in lieu of the specified benefits listed in Items 2-7 above.
09		Fishing rights for the affected families if storage tanks are created and fishing is feasible.
10		In case of projects that may create jobs in future, the guidelines of the State Industrial Policy, 2014 which emphasises local job creation, will apply.

**Dr. S.K. JOSHI,**  
**SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)**

**Annexure-II**

**Rehabilitation and Resettlement Entitlements for The Affected Families other than Land Owner Whose Livelihood is Primarily Dependent on Land procured / purchased under G.O. Ms.No.123 Revenue (JA & LA) Dept., Date. 30.07.2015**

Serial number	Provision of Rehabilitation and Resettlement	Entitlement/provision
1.	Provision of housing units in case of displacement	<p>(1) If a house is lost in rural areas, a constructed house shall be provided as per the Indira Awas Yojana specifications. If a house is lost in urban areas, a constructed house shall be provided, which will be not less than 50 sq mts in plinth area.</p> <p>(2) The benefits listed above shall also be extended to any affected family which is without homestead land and which has been residing in the area continuously for a period of not less than three years preceding the date of notification of the affected area and which has been involuntarily displaced from such area:</p> <p>Provided that any such family in urban areas which opts not to take the house offered, shall get a one-time financial assistance for house construction, which shall not be less than one lakh fifty thousand rupees:</p> <p>Provided further that if any affected family in rural areas so prefers, the equivalent cost of the house may be offered in lieu of the constructed house:</p> <p>Provided also that no family affected by procurement shall be given more than one house under the provisions of this Act.</p> <p><i>Explanation.</i>—The houses in urban areas may, if necessary, be provided in multi-storied building complexes.</p>
2.	Choice of Annuity or Employment	The appropriate Government shall ensure that the affected families are provided with the following options:

		<p>(a) where jobs are created through the project, ‘after providing suitable training and skill development in the required field, make provision for employment at a rate not lower than the minimum wages provided for in any other law for the time being in force, to at least one member per affected family in the project or arrange for a job in such other project as may be required; or</p> <p>(b) onetime payment of five lakhs rupees per affected family; or</p> <p>(c) Annuity policies that shall pay not less than two thousand rupees per month per family for twenty years, with appropriate indexation to the Consumer Price Index for Agricultural Labourers.</p>
3.	Subsistence grant for displaced families for a period of one year	Each affected family which is displaced from the land acquired shall be given a monthly subsistence allowance equivalent to three thousand rupees per month for a period of one year from the date of award. In addition to this amount, the Scheduled Castes and the Scheduled Tribes displaced from Scheduled Areas shall receive an amount equivalent to fifty thousand rupees. In cases of displacement from the Scheduled Areas, as far as possible, the affected families shall be relocated in a similar ecological zone, so as to preserve the economic opportunities, language, culture and community life of the tribal communities.
4.	Transportation cost for displaced families	Each affected family which is displaced shall get a one-time financial assistance of fifty thousand rupees as transportation cost for shifting of the family, building materials, belongings and cattle
5.	Cattle shed/petty shops cost	Each affected family having cattle or having a petty shop shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees for construction of cattle shed or petty shop as the case may be.
6.	One time grant to artisan, small traders and certain others	Each affected family of an artisan, small trader or self-employed person or an affected family which owned non-agricultural land or commercial, industrial or institutional structure in the affected area, and which has been

		involuntarily displaced from the affected area due to land procurement, shall get one-time financial assistance of such amount as the appropriate Government may, by notification, specify subject to a minimum of twenty-five thousand rupees.
7.	Fishing rights	In cases of irrigation or hydel projects, the affected families may be allowed fishing rights in the reservoirs, in such manner as may be prescribed by the appropriate Government.
8.	One-time Resettlement Allowance	Each affected family shall be given a one-time “Resettlement Allowance” of fifty thousand rupees only.
10.	Stamp duty and registration fee	<p>(1) The stamp duty and other fees payable for registration of the land or house allotted to the affected families shall be borne by the Procuring Agency.</p> <p>(2) The land for house allotted to the affected families shall be free from all encumbrances.</p> <p>(3) The land or house allotted may be in the joint names of wife and husband of the affected family.</p>

**Dr.S.K. JOSHI,**  
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### Annexure – III

#### PROVISION OF INFRASTRUCTURAL AMENITIES

The following infrastructural facilities and basic minimum amenities are to be provided at the cost of the Procuring Agency under G.O. Ms.No.123 Revenue (JA & LA) Dept., Date. 30.07.2015 to ensure that the resettled population in the new village or colony can secure for themselves a reasonable standard of community life and can attempt to minimise the trauma involved in displacement.

A reasonably habitable and planned settlement would have, as a minimum, the following facilities and resources, as appropriate:

Serial No.	Component of infrastructure amenities provided/proposed to be provided by the Procuring Agency.	Details of infrastructure amenities provided by the Procuring Agency
(1)	(2)	(3)
1	Roads within the resettled villages and an all-weather road link to the nearest pucca road, passages and easement rights for all the resettled families be adequately arranged	
2	Proper drainage as well as sanitation plans executed before physical resettlement	
3	One or more assured sources of safe drinking water for each family as per the norms prescribed by the Government of India	
4	Provision of drinking water for cattle	
5	Grazing land as per proportion acceptable in the State	
6	A reasonable number of Fair Price Shops	
7	Panchayat Ghars, as appropriate	
8	Village level Post Offices, as appropriate, with facilities for opening saving accounts	
9	Appropriate seed-cum-fertilizer storage facility if needed	
10	Efforts must be made to provide basic irrigation facilities to the agricultural land allocated to the resettled families if not from the irrigation project, then by developing a cooperative or under some Government scheme or special assistance	
11	All new villages established for resettlement of the displaced persons shall be provided with suitable transport facility which must include public transport facilities through local bus services with the nearby growth centres/urban localities	
12	Burial or cremation ground, depending on the caste-communities at the site and their practices	
13	Facilities for sanitation, including individual toilet points	
14	Individual single electric connections (or connection through nonconventional sources of energy like solar energy), for each household and for public lighting	
15	Anganwadi's providing child and mother supplemental	

	nutritional services	
16	School as per the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009);	
17	Sub-health centre within two kilometres range	
18	Primary Health Centre as prescribed by the Government of India	
19	Playground for children	
20	One community centre for every hundred families	
21	Places of worship and chowpal/tree platform for every fifty families for community assembly, of numbers and dimensions consonant with the affected area	
22	Separate land must be earmarked for traditional tribal institutions	
23	The forest dweller families must be provided, where possible, with their forest rights on non-timber forest produce and common property resources, if available close to the new place of settlement and, in case any such family can continue their access or entry to such forest or common property in the area close to the place of eviction, they must continue to enjoy their earlier rights to the aforesaid sources of livelihood	
24	Appropriate security arrangements must be provided for the settlement, if needed	
25	Veterinary service centre as per norms	

NOTE.– Details of each component of infrastructural amenities mentioned under column (2) against serial numbers 1 to 25 should be indicated by the Procuring Agency under column (3).

**Dr. S.K. JOSHI,**  
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